

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH S. GELMIS, Individually and on	:	Civil Action No. 1:08-cv-00980-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
EARL W. COLE, III, et al.,	:	
	:	
Defendants.	:	
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JULES ROTHAS, Individually and on Behalf	:	Civil Action No. 08-cv-01120-RMB
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY	:	
L.L.C., et al.,	:	
	:	
Defendants.	:	
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ARNOLD J. ROSS, Individually and on Behalf	:	Civil Action No. 1:08-cv-01299-RMB
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
EARL W. COLE, III, et al.,	:	
	:	
Defendants.	:	
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DECLARATION OF MARIO ALBA JR. IN FURTHER SUPPORT OF THE MOTION OF
THE YATES GROUP FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF
AND FOR APPROVAL OF SELECTION OF LEAD COUNSEL

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ALEX D'ANGELO, Individually and on	:	Civil Action No. 1:08-cv-01331-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY, LLC,	:	
et al.,	:	
	:	
Defendants.	:	
	:	
	:	
	:	Civil Action No. 1:08-cv-02190-RMB
NAOMI RAPHAEL, Individually and on	:	
Behalf of All Others Similarly Situated,	:	<u>CLASS ACTION</u>
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY, LLC,	:	
et al.,	:	
	:	
Defendants.	:	
	:	
	X	

Mario Alba Jr., declares, under penalty of perjury:

1. I am an associate with Coughlin Stoia Geller Rudman & Robbins LLP (“Coughlin Stoia”). I submit this Declaration in further support of the motion of Robert Yates, Trustee for Robert L. Yates Living Trust, Debra Yates Jerdon Family Trust and Kathleen Yates Carter Family Trust; Alan S. Barry; David Young; Carlo Hornsby; and Ed Friedlander as Trustee for the Ed Friedlander Trust (collectively, the “Yates Group”) for consolidation, appointment as Lead Plaintiff and for approval of selection of Lead Counsel.

2. Attached hereto as Exhibit A is a true and accurate copy of the Declaration of Alan S. Barry.

3. Attached hereto as Exhibit B is a true and accurate copy of the Declaration of Edward Friedlander.

4. Attached hereto as Exhibit C is a true and accurate copy of the Declaration of Carlo Hornsby.

5. Attached hereto as Exhibit D is a true and accurate copy of the Declaration of Robert L. Yates.

6. Attached hereto as Exhibit E is a true and accurate copy of the Declaration of David Young.

DATED: April 1, 2008

/s/ Mario Alba Jr.

MARIO ALBA JR.

CERTIFICATE OF SERVICE

I, Mario Alba Jr., hereby certify that on April 1, 2008, I caused a true and correct copy of the attached:

Declaration Of Mario Alba Jr. In Further Support Of The Motion Of The Yates Group For Consolidation, Appointment As Lead Plaintiff And For Approval Of Selection Of Lead Counsel

to be served: (i) electronically on all counsel registered for electronic service for this case; and (ii) by first-class mail to all additional counsel on the attached service list.

/s/ Mario Alba Jr.

Mario Alba Jr.

MUNIMAE (NY)

Service List - 3/28/2008 (08-0030)

Page 1 of 2

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MUNIMAE (NY)

Service List - 3/28/2008 (08-0030)

Page 2 of 2

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH S. GELMIS, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

EARL W. COLE, III, et al.,

Defendants.

JULES ROTHAS, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

MUNICIPAL MORTGAGE & EQUITY
L.L.C., et al.,

Defendants.

ARNOLD J. ROSS, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

vs.

EARL W. COLE, III, et al.,

Defendants.

[Caption continued on following page.]

x

Civil Action No. 1:08-cv-00980-RMB
:
:
CLASS ACTION
:

Civil Action No. 08-cv-01120-RMB
:
CLASS ACTION
:

Civil Action No. 1:08-cv-01299-RMB
:
CLASS ACTION
:

x

DECLARATION OF ALAN S. BARRY

	X	
ALEX D'ANGELO, Individually and on	:	Civil Action No. 1:08-cv-01331-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY, LLC,	:	
et al.,	:	
	:	
Defendants.	:	
	:	
	:	
NAOMI RAPHAEL, Individually and on	:	Civil Action No. 1:08-cv-02190-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY, LLC,	:	
et al.,	:	
	:	
Defendants.	:	
	:	
	X	

I, Alan S. Barry, declare as follows under penalty of perjury:

1. I submit this Declaration in support of the accompanying Motion by Robert L. Yates, Trustee, David Young, Alan S. Barry, Carlo Hornsby and Ed Friedlander (collectively, the “Yates Group”) for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Counsel.

2. I am a resident of the State of Wisconsin. I am a retired employee of Miller Brewing Co. In addition to myself, the Yates Group includes the following members:

- (a) Robert L. Yates, a resident of Florida, is a retired research chemist.
- (b) David Young, a resident of the State of Washington, is a retired research chemist.
- (c) Ed Friedlander, a resident of Florida, is a retired marketing and advertising executive, and the founder of a vitamin marketing company that is now operated by his son.
- (d) Carlo Hornsby, a resident of Florida, is retired from the beauty business, including employment at Revlon.

3. I participated in a telephone conference call on March 31, 2008 with all of the other proposed lead plaintiffs. During the call, each of us declared our intention to apply to be appointed as lead plaintiff and serve as such, if appointed. Each of the proposed lead plaintiffs is highly knowledgeable and committed to his duties as a fiduciary for the Class. We also discussed, among other things, the responsibilities and duties of the lead plaintiffs, the likely course of the litigation, and reached an agreement with our counsel concerning attorneys’ fees and costs. We agreed to exercise joint decision-making and to work together as lead plaintiffs to direct the litigation and to oversee the work of counsel. In this regard, we agreed to convene regularly on the telephone to discuss the status and progress of the case and to seek to reach a consensus on important issues

affecting the conduct of the litigation. If a consensus could not be reached, we agreed on mechanisms to reach a decision.

4. Each member of the Yates Group has declared his understanding of the responsibilities of being a lead plaintiff and class representative. Each of us is willing to fulfill these duties and to testify at a deposition or trial, if needed in this litigation.

5. Each of us agreed to support the application of Berger & Montague, P.C. and Coughlin Stoia Geller Rudman & Robbins LLP for appointment as Plaintiffs' Lead Counsel and the application of Adelberg, Rudow, Dorf & Hendler, LLC, as Liaison Counsel in the federal district court of the District of Maryland. We discussed the qualifications of our attorneys and are confident that they have extensive experience representing plaintiffs in securities and class action litigation. We understand that this case will be under the direct supervision of Sherrie R. Savett, Barbara A. Podell and Eric Lechtzin at Berger & Montague, P.C., and David A. Rosenfeld, Mario Alba, Jr. and Carolina Torres at Coughlin Stoia Geller Rudman & Robbins LLP, each of whom has extensive experience prosecuting securities class actions.

6. Each member of the Yates Group intends to communicate regularly with our counsel about the status and progress of the action in order to maximize the recovery of the Class. We believe that our direction and supervision of the litigation and our counsel will ensure the most efficient and cost-effective management of this litigation.

DATED: March 31, 2008


ALAN S. BARRY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH S. GELMIS, Individually and on	:	Civil Action No. 1:08-cv-00980-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
EARL W. COLE, III, et al.,	:	
	:	
Defendants.	:	
<hr/>		
JULES ROTHAS, Individually and on Behalf	:	Civil Action No. 08-cv-01120-RMB
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY	:	
L.L.C., et al.,	:	
	:	
Defendants.	:	
<hr/>		
ARNOLD J. ROSS, Individually and on Behalf	:	Civil Action No. 1:08-cv-01299-RMB
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
EARL W. COLE, III, et al.,	:	
	:	
Defendants.	:	
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DECLARATION OF EDWARD FRIEDLANDER

ALEX D'ANGELO, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

MUNICIPAL MORTGAGE & EQUITY, LLC,
et al.,

Defendants.

NAOMI RAPHAEL, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

MUNICIPAL MORTGAGE & EQUITY, LLC,
et al.,

Defendants.

X

Civil Action No. 1:08-cv-01331-RMB

CLASS ACTION

Civil Action No. 1:08-cv-02190-RMB

CLASS ACTION

X

I, Edward Friedlander, declare as follows under penalty of perjury:

1. I submit this Declaration in support of the accompanying Motion by Robert L. Yates, Trustee, David Young, Alan S. Barry, Carlo Hornsby and Ed Friedlander (collectively, the “Yates Group”) for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Counsel.

2. I am a resident of Florida. I am a retired marketing and advertising executive, and the founder of a vitamin marketing company that is now operated by my son. In addition to myself, the Yates Group includes the following members:

- (a) Robert L. Yates, a resident of Florida, is a retired research chemist.
- (b) David Young, a resident of the State of Washington, is a retired research chemist.
- (c) Alan S. Barry, a resident of Wisconsin, is a retired employee of Miller Brewing Co.
- (d) Carlo Hornsby, a resident of Florida, is retired from the beauty business, including employment at Revlon.

3. I participated in a telephone conference call on March 31, 2008 with all of the other proposed lead plaintiffs. During the call, each of us declared our intention to apply to be appointed as lead plaintiff and serve as such, if appointed. Each of the proposed lead plaintiffs is highly knowledgeable and committed to his duties as a fiduciary for the Class. We also discussed, among other things, the responsibilities and duties of the lead plaintiffs, the likely course of the litigation, and reached an agreement with our counsel concerning attorneys’ fees and costs. We agreed to

exercise joint decision-making and to work together as lead plaintiffs to direct the litigation and to oversee the work of counsel. In this regard, we agreed to convene regularly on the telephone to discuss the status and progress of the case and to seek to reach a consensus on important issues affecting the conduct of the litigation. If a consensus could not be reached, we agreed on mechanisms to reach a decision.

4. Each member of the Yates Group has declared his understanding of the responsibilities of being a lead plaintiff and class representative. Each of us is willing to fulfill these duties and to testify at a deposition or trial, if needed in this litigation.

5. Each of us agreed to support the application of Berger & Montague, P.C. and Coughlin Stoia Geller Rudman & Robbins LLP for appointment as Plaintiffs' Lead Counsel and the application of Adelberg, Rudow, Dorf & Hendler, LLC, as Liaison Counsel in the federal district court of the District of Maryland. We discussed the qualifications of our attorneys and are confident that they have extensive experience representing plaintiffs in securities and class action litigation. We understand that this case will be under the direct supervision of Sherrie R. Savett, Barbara A. Podell and Eric

Lechtzin at Berger & Montague, P.C., and David A. Rosenfeld, Mario Alba, Jr. and Carolina Torres at Coughlin Stoia Geller Rudman & Robbins LLP, each of whom has extensive experience prosecuting securities class actions.

6. Each member of the Yates Group intends to communicate regularly with our counsel about the status and progress of the action in order to maximize the recovery of the Class. We believe that our direction and supervision of the litigation and our counsel will ensure the most efficient and cost-effective management of this litigation.

DATED: March 31, 2008


EDWARD FRIEDLANDER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH S. GELMIS, Individually and on	:	Civil Action No. 1:08-cv-00980-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
EARL W. COLE, III, et al.,	:	
	:	
Defendants.	:	
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JULES ROTHAS, Individually and on Behalf	:	Civil Action No. 08-cv-01120-RMB
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY	:	
L.L.C., et al.,	:	
	:	
Defendants.	:	
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ARNOLD J. ROSS, Individually and on Behalf	:	Civil Action No. 1:08-cv-01299-RMB
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
EARL W. COLE, III, et al.,	:	
	:	
Defendants.	:	
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DECLARATION OF CARLO HORNSBY

ALEX D'ANGELO, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

VS.

MUNICIPAL MORTGAGE & EQUITY, LLC,
et al.,

Defendants.

NAOMI RAPHAEL, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

VS.

MUNICIPAL MORTGAGE & EQUITY, LLC,
et al.,

Defendants.

Civil Action No. 1:08-cv-01331-RMB

CLASS ACTION

Civil Action No. 1:08-cv-02190-RMB

CLASS ACTION

I, Carlo Hornsby, declare as follows under penalty of perjury:

1. I submit this Declaration in support of the accompanying Motion by Robert L. Yates, Trustee, David Young, Alan S. Barry, Carlo Hornsby and Ed Friedlander (collectively, the “Yates Group”) for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Counsel.

2. I am a resident of Florida. I am retired from the beauty business, including employment at Revlon. In addition to myself, the Yates Group includes the following members:

(a) Robert L. Yates, a resident of Florida, is a retired research chemist.

(b) David Young, a resident of the State of Washington, is a retired research chemist.

(c) Ed Friedlander, a resident of Florida, is a retired marketing and advertising executive and the founder of a vitamin marketing company that is now operated by his son.

(d) Alan S. Barry, a resident of Wisconsin, is a retired employee of Miller Brewing Co.

3. I participated in a telephone conference call on March 31, 2008 with all of the other proposed lead plaintiffs. During the call, each of us declared our intention to apply to be appointed as lead plaintiff and serve as such, if appointed. Each of the proposed lead plaintiffs is highly knowledgeable and committed to his duties as a fiduciary for the Class. We also discussed, among other things, the responsibilities and duties of the lead plaintiffs, the likely course of the litigation, and reached an agreement with our counsel concerning attorneys’ fees and costs. We agreed to exercise joint decision-making and to work together as lead plaintiffs to direct the litigation and to oversee the work of counsel. In this regard, we agreed to convene regularly on the telephone to discuss the status and progress of the case and to seek to reach a consensus on important issues

affecting the conduct of the litigation. If a consensus could not be reached, we agreed on mechanisms to reach a decision.

4. Each member of the Yates Group has declared his understanding of the responsibilities of being a lead plaintiff and class representative. Each of us is willing to fulfill these duties and to testify at a deposition or trial, if needed in this litigation.

5. Each of us agreed to support the application of Berger & Montague, P.C. and Coughlin Stoia Geller Rudman & Robbins LLP for appointment as Plaintiffs' Lead Counsel and the application of Adelberg, Rudow, Dorf & Hendler, LLC, as Liaison Counsel in the federal district court of the District of Maryland. We discussed the qualifications of our attorneys and are confident that they have extensive experience representing plaintiffs in securities and class action litigation. We understand that this case will be under the direct supervision of Sherrie R. Savett, Barbara A. Podell and Eric Lechtzin at Berger & Montague, P.C., and David A. Rosenfeld, Mario Alba, Jr. and Carolina Torres at Coughlin Stoia Geller Rudman & Robbins LLP, each of whom has extensive experience prosecuting securities class actions.

6. Each member of the Yates Group intends to communicate regularly with our counsel about the status and progress of the action in order to maximize the recovery of the Class. We believe that our direction and supervision of the litigation and our counsel will ensure the most efficient and cost-effective management of this litigation.

DATED: March 31, 2008


CARLO HORNSBY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH S. GELMIS, Individually and on	:	Civil Action No. 1:08-cv-00980-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
EARL W. COLE, III, et al.,	:	
	:	
Defendants.	:	
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JULES ROTHAS, Individually and on Behalf	:	Civil Action No. 08-cv-01120-RMB
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY	:	
L.L.C., et al.,	:	
	:	
Defendants.	:	
<hr/>		
ARNOLD J. ROSS, Individually and on Behalf	:	Civil Action No. 1:08-cv-01299-RMB
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
EARL W. COLE, III, et al.,	:	
	:	
Defendants.	:	
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DECLARATION OF ROBERT L. YATES

ALEX D'ANGELO, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

VS.

MUNICIPAL MORTGAGE & EQUITY, LLC,
et al.,

Defendants.

NAOMI RAPHAEL, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

VS.

MUNICIPAL MORTGAGE & EQUITY, LLC,
et al.,

Defendants.

X

Civil Action No. 1:08-cv-01331-RMB

CLASS ACTION

Civil Action No. 1:08-cv-02190-RMB

CLASS ACTION

X

I, Robert L. Yates, declare as follows under penalty of perjury:

1. I submit this Declaration in support of the accompanying Motion by Robert L. Yates, Trustee, David Young, Alan S. Barry, Carlo Hornsby and Ed Friedlander (collectively, the “Yates Group”) for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Counsel.

2. I am a resident of Florida. I am a retired research chemist. In addition to myself, the Yates Group includes the following members:

(a) David Young, a resident of the State of Washington, is a retired research chemist.

(b) Alan S. Barry, a resident of Wisconsin, is a retired employee of Miller Brewing Co.

(c) Ed Friedlander, a resident of Florida, is a retired marketing and advertising executive, and the founder of a vitamin marketing company that is now operated by his son.

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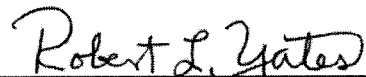
affecting the conduct of the litigation. If a consensus could not be reached, we agreed on mechanisms to reach a decision.

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5. Each of us agreed to support the application of Berger & Montague, P.C. and Coughlin Stoia Geller Rudman & Robbins LLP for appointment as Plaintiffs' Lead Counsel and the application of Adelberg, Rudow, Dorf & Hendler, LLC, as Liaison Counsel in the federal district court of the District of Maryland. We discussed the qualifications of our attorneys and are confident that they have extensive experience representing plaintiffs in securities and class action litigation. We understand that this case will be under the direct supervision of Sherrie R. Savett, Barbara A. Podell and Eric Lechtzin at Berger & Montague, P.C., and David A. Rosenfeld, Mario Alba, Jr. and Carolina Torres at Coughlin Stoia Geller Rudman & Robbins LLP, each of whom has extensive experience prosecuting securities class actions.

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DATED: March 31, 2008



ROBERT L. YATES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH S. GELMIS, Individually and on	:	Civil Action No. 1:08-cv-00980-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
EARL W. COLE, III, et al.,	:	
	:	
Defendants.	:	
<hr/>		
JULES ROTHAS, Individually and on Behalf	:	Civil Action No. 08-cv-01120-RMB
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY	:	
L.L.C., et al.,	:	
	:	
Defendants.	:	
<hr/>		
ARNOLD J. ROSS, Individually and on Behalf	:	Civil Action No. 1:08-cv-01299-RMB
of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
EARL W. COLE, III, et al.,	:	
	:	
Defendants.	:	
<hr/>		X
[Caption continued on following page.]		

DECLARATION OF DAVID YOUNG

<hr/>		X
ALEX D'ANGELO, Individually and on	:	Civil Action No. 1:08-cv-01331-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY, LLC,	:	
et al.,	:	
	:	
Defendants.	:	
<hr/>		
NAOMI RAPHAEL, Individually and on	:	Civil Action No. 1:08-cv-02190-RMB
Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MUNICIPAL MORTGAGE & EQUITY, LLC,	:	
et al.,	:	
	:	
Defendants.	:	
<hr/>		X

I, David Young, declare as follows under penalty of perjury:

1. I submit this Declaration in support of the accompanying Motion by Robert L. Yates, Trustee, David Young, Alan S. Barry, Carlo Hornsby and Ed Friedlander (collectively, the “Yates Group”) for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Counsel.

2. I am a resident of the State of Washington. I am a retired research chemist. In addition to myself, the Yates Group includes the following members:

(a) Robert L. Yates, a resident of Florida, is a retired research chemist.

(b) Alan S. Barry, a resident of Wisconsin, is a retired employee of Miller Brewing Co.

(c) Ed Friedlander, a resident of Florida, is a retired marketing and advertising executive, and the founder of a vitamin marketing company that is now operated by his son.

(d) Carlo Hornsby, a resident of Florida, is retired from the beauty business, including employment at Revlon.

3. I participated in a telephone conference call on March 31, 2008 with all of the other proposed lead plaintiffs. During the call, each of us declared our intention to apply to be appointed as lead plaintiff and serve as such, if appointed. Each of the proposed lead plaintiffs is highly knowledgeable and committed to his duties as a fiduciary for the Class. We also discussed, among other things, the responsibilities and duties of the lead plaintiffs, the likely course of the litigation, and reached an agreement with our counsel concerning

attorneys' fees and costs. We agreed to exercise joint decision-making and to work together as lead plaintiffs to direct the litigation and to oversee the work of counsel. In this regard, we agreed to convene regularly on the telephone to discuss the status and progress of the case and to seek to reach a consensus on important issues affecting the conduct of the litigation. If a consensus could not be reached, we agreed on mechanisms to reach a decision.

4. Each member of the Yates Group has declared his understanding of the responsibilities of being a lead plaintiff and class representative. Each of us is willing to fulfill these duties and to testify at a deposition or trial, if needed in this litigation.

5. Each of us agreed to support the application of Berger & Montague, P.C. and Coughlin Stoia Geller Rudman & Robbins LLP for appointment as Plaintiffs' Lead Counsel and the application of Adelberg, Rudow, Dorf & Hendler, LLC as Liaison Counsel in the federal district court of the District of Maryland. We discussed the qualifications of our attorneys and are confident that they have extensive experience representing plaintiffs in securities and class action litigation. We understand that this case will be under the direct supervision of Sherrie R. Savett, Barbara A. Podell and Eric Lechtzin at Berger & Montague, P.C., and David A. Rosenfeld, Mario Alba, Jr. and Carolina Torres at Coughlin Stoia Geller Rudman & Robbins LLP, each of whom has extensive experience prosecuting securities class actions.

6. Each member of the Yates Group intends to communicate regularly with our counsel about the status and progress of the action in order to maximize the recovery of the Class. We believe that our direction and supervision of the litigation and our counsel will ensure the most efficient and cost-effective management of this litigation.

DATED: March 31, 2008



DAVID YOUNG